

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

JOHN DOE,

Plaintiff,

vs.

MARK SHURTLEFF, Office of the Attorney
General for the State of Utah, in his Official
Capacity, et al.,

Defendants.

ORDER

Case No. 1:08-CV-64 TC

On September 25, 2008, the court ruled in Plaintiff's favor on summary judgment and issued an order enjoining "all named Defendants" from enforcing certain portions of Utah Code Ann. § 77-27-21.5 against Plaintiff. (Dkt. No. 36 at 16.) On September 30, 2008, the Salt Lake County Prosecutor and Sheriff moved to modify the court's order, arguing that they had been dismissed from the case in a hearing in this action and that the order should have reflected that dismissal. (See Dkt. Nos. 38 & 39.) They further point out that none of the other county sheriffs or prosecutors were served with the complaint in this case.

The court agrees with the Salt Lake County Prosecutor and Sheriff that the Order of September 25, 2008 should have reflected their dismissal. Moreover, the court finds that none of the other county sheriffs and prosecutors should have been named Defendants at the time of summary judgment, given that they were not served and did not waive service. Accordingly, the court hereby GRANTS the motion of the Salt Lake County Prosecutor and Sheriff (Dkt. No. 38) and AMENDS the Order of September 25, 2008 by replacing the final paragraph of that order

with the following two paragraphs:

All of the county prosecutors and sheriffs named in their official capacities are
DISMISSED as Defendants.

Mark Shurtleff, in his official capacity as the Attorney General for the State of Utah and
Tom Patterson, in his official capacity as Executive Director of the Utah State Department of
Corrections are hereby ENJOINED from enforcing the disclosure requirements of Utah Code
Ann. § 77-27-21.5(i) and (j) against Mr. Doe. Mr. Shurtleff and Mr. Patterson shall provide
actual notice of this Order to each of their officers, agents, servants, employees and/or attorneys
who is involved in enforcing those requirements and to anyone who is in active concert or
participation with them or their officers, agents, servants, employees and/or attorneys in
enforcing those requirements.

SO ORDERED this 2nd day of October, 2008.

BY THE COURT

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
Chief District Judge